

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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UNITED STATES OF AMERICA,)	Magistrate Docket No.
)	SOUTHERN DISTRICT OF CALIFORNIA
Plaintiff,)	'07 MJ 28 02
v.)	<i>[initials]</i>
Luis Alberto HERNANDEZ-Venegas,)	<u>COMPLAINT FOR VIOLATION OF:</u>
)	Title 8, U.S.C. Section 1326
)	Deported Alien Found in the
)	United States
Defendant)	
)	

The undersigned complainant, being duly sworn, states:

On or about **December 3, 2007** within the Southern District of California, defendant, **Luis Alberto HERNANDEZ-Venegas**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


 SIGNATURE OF COMPLAINANT
 James Trombley
 Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 4th DAY OF December,
2007.



Ruben B. Brooks
 UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Luis Alberto HERNANDEZ-Venegas

PROBABLE CAUSE STATEMENT

December 3
On ~~November~~ 3, 2007 Border Patrol Agent L. Miller was performing duties in the area know as the Worm Farm. This area is located approximately four miles west of the port of entry at San Ysidro, California and approximately one mile north of the international border with Mexico.

At approximately 1:10 a.m. Agent Miller responded to a seismic intrusion device near the Worm Farm. A scope operator notified Agent Miller that he observed an individual making his way north through the Worm Farm and into thick brush. He directed Agent Miller to the area but, after a fruitless search Agent Miller left the area and waited. At approximately 6:30 a.m., Agent Miller heard sounds coming from the thick brush near him. Agent Miller walked into the brush and after a brief search, found an individual later identified as the defendant **Luis Alberto HERNANDEZ-Venegas**, hiding. Agent Miller identified himself as a Border Patrol Agent and questioned the defendant as to his immigration status. The defendant admitted to being a citizen and national of Mexico illegally present in the the United States. The defendant was arrested and transported to Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on or about **November 10, 2004**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.